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SECOND DECLARATION OF WILLIAM N. WEAVER

As the below named Declarant, I hereby declare that:

1. Hi-Cone, a division of Illinois Tool Works, is a manufacturer of packaging devices, including plastic ring carriers, and machines for application of such packaging devices, having its principal place of business in Itasca, Illinois.

2. I have been employed with Hi-Cone in the product development department for 34 years, currently as the Manager of Product Development.

3. I am personally involved with the design, manufacture and testing of packaging devices, primarily plastic ring carriers that are applied to two or more containers.

4. The traditional plastic ring carrier includes a longitudinal pitch between adjacent apertures designated as element 18 in Figure 10 of the subject U.S. patent application and as shown the attached Exhibit A and termed the "first length" and "pitch length" in the subject U.S. patent application.

5. According to the prior art, including the references cited by the Examiner, a first set of containers having a first diameter would require a carrier with a longitudinal pitch having a first length (the pitch length). See Exhibit B, Page 1, Element PL'.

6. According to the prior art, including the references cited by the Examiner, a second set of containers having a larger, second diameter would traditionally require a second carrier having a second longitudinal pitch that is larger than the first length or pitch length. See Exhibit B, Page 2, Element PL' + Δ .

7. Three sets of carriers, each carrier for a different diameter carrier, are shown in a photograph on Page 3 of Exhibit B. The photograph shows that each of the carriers includes a different longitudinal pitch length. Actual specimens of these carriers are enclosed with this Declaration and the related Amendment.

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8. The respective carriers shown in Exhibit B would be required when moving from a first container to a second, larger container in the systems taught by Cervantes et al., U.S. Patent 6,170,225 (the Cervantes et al. Patent); Krogman et al., U.S. Patent 5,383,321 (the Krogman et al. Patent); and Odum et al., U.S. Patent 6,055,791 (the Odum et al. Patent).

9. As shown in Exhibit B, existing container packaging systems increase the carrier pitch as the container diameter increases.

10. Until the invention of the subject system, if customers required a packaging system for use across different diameters of containers, these customers would lease multiple machines and use multiple styles of traditional design ring carriers to accommodate each multi-pack having a different diameter of container.

11. As a result of leasing multiple machines and using multiple styles of traditional ring carriers, these customers would have numerous packaging lines using extensive floor space and costing hundreds of thousands of dollars.

12. Alternatively, if customers required a packaging system for use across different diameters of containers, these customers could replace large sections of the applicating machine, specifically the drum, jaws and related hardware.

13. The Cervantes et al. Patent teaches one prior art arrangement described in Paragraph 12 wherein, when moving between containers having different diameters, a removable device 44 is replaced that includes a metallic frame, a support, a feed trough, carrier rollers, floor bearings, shafts, plates, jaws, wall bearings and a central release plate. These elements, particularly the jaws and related hardware, must change to accommodate a carrier having a different longitudinal pitch.

14. As a result of the subject system, our customers can lease a single machine with a pitch based on traditional ring design carriers for large diameter containers that will additionally run carriers according to the subject system for smaller diameter containers without a loss of package integrity.

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15. Exhibit C shows carriers used in the claimed system for a set of containers having a first diameter (Page 1) and a second set of containers having a second, larger diameter (Page 2). Each of the carriers in Exhibit C have a constant longitudinal pitch (Element PL) between adjacent container receiving openings.

16. Two sets of carriers, each carrier for a different diameter carrier, are shown in a photograph on Page 3 of Exhibit C. The photograph shows that each of the carriers includes an identical longitudinal pitch length. Actual specimens of these carriers are enclosed with this Declaration and the related Amendment.

17. Until the invention of the subject system, I had not encountered a system for packaging multiple containers in a carrier wherein the carrier maintains a constant pitch across a range of container diameters.

18. The subject system is not obvious because, as described in paragraphs 8-13, the industry solution to packaging containers having a range of diameters was to lease multiple machines or, alternatively, to lease a single machine capable of accommodating a range of traditional design carriers. Instead, the subject system utilizes a novel carrier design usable across a range of container diameters that is compatible with machines having a traditional pitch.

19. I have reviewed, in detail, the teachings of the Cervantes et al. Patent; the Krogman et al. Patent; and the Odum et al. Patent (collectively, "the cited references").

20. The cited references do not teach or suggest maintaining a common pitch across multiple carriers for use with sets of containers having different diameters.

21. My job requires review of virtually every commercial plastic ring carrier available and I am unaware of any system that includes maintenance of a common pitch across ranges of carrier sizes and container diameters, as required in the claimed invention.

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22. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

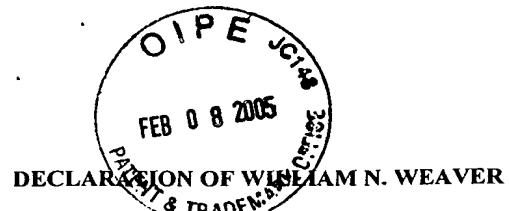
Date

Aug 27, 2004

William N. WEAVER

William N. WEAVER

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EXHIBIT A

ITW-12833

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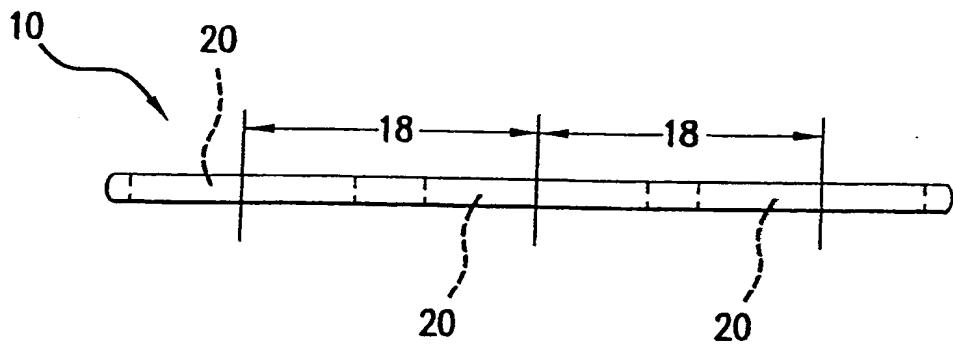


FIG.10

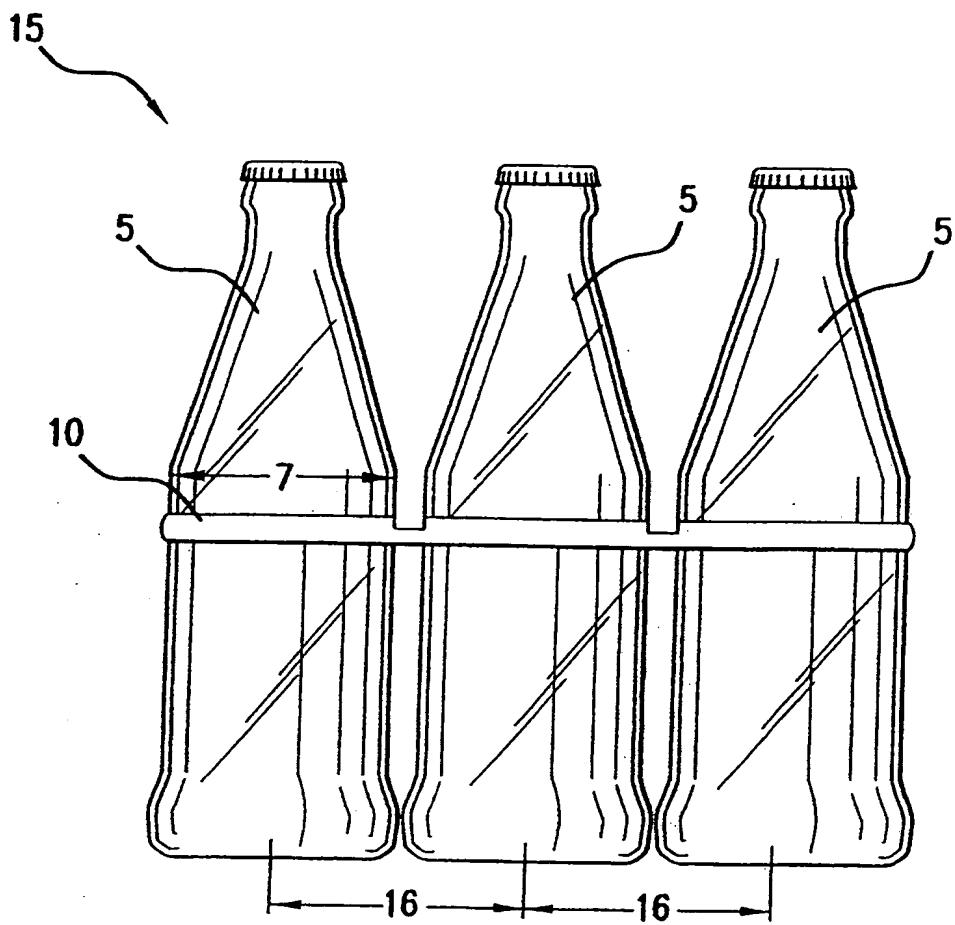
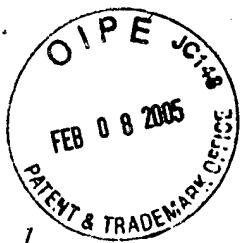


FIG.11

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Mail Stop Amendment, Commissioner for Patents P400/clb
P.O. Box 1450, Alexandria, VA 22313-1450

Please affix the USPTO receipt stamp hereon as evidence of receipt of the following enclosed papers.

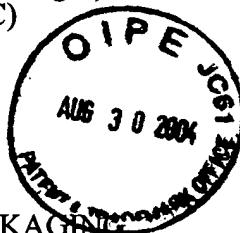
- Amendment (13 Pages)
- Executed Second Declaration of William N. Weaver (4 Pages), including Exhibit A (2 Pages), Exhibit B (4 Pages) and Exhibit C (4 Pages)
- Envelope marked SPECIMENS (Exhibit B and Exhibit C)

All by Certificate of Mailing dated 27 August 2004.

Applicants: William N. WEAVER et al.
Serial No.: 09/714,340
Filing Date: 16 November 2000
Title: SYSTEM AND APPARATUS FOR PACKAGING CONTAINERS
Customer No.: 45482

ITW-12833

Kevin D. Erickson



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